SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 11(656)L&PAD/2021/33 **Dated: 16.01.2026**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 17th day of December, 2025 is hereby published for general information: -

THE SIKKIM WATER SUPPLY AND WATER CHARGES ACT, 2025

(ACT NO. 21 OF 2025)

AN

ACT

to provide for regulation of the supply of water, realization of charges for supply of water and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Seventy-sixth Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Water Supply and Water Charges Act, 2025.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on the date of its publication in the Official Gazette.

Definitions

2. (1) In this Act, unless the context otherwise requires, -

(i) "area" means the urban area in the State and includes such other areas adjacent thereto as the Government may by notification from time to time, specify or declare to be an area for the purposes of this Act;

(ii) "Government main" means the water pipe lines and its appurtenances owned and maintained by the Government;

(iii) "Consumer's main" means water pipe line which connect Government main with the consumer's premises and include service pipe and internal plumbing lines of the consumer's premises;

(iv) "Competent Authority", "Authority" means the Principal Chief Engineer-cum-Secretary, Public Health Engineering Department of the Government of Sikkim or any other officer authorised by him in this behalf;

(v) "Consumer" or "User" means any person getting the benefit of any water supply from the Government;

(vi) "notification" means a notification published in the Official Gazette;

(vii) "notified order" means any order published in the Official Gazette;

(viii) "occupier" in relation to any premises, means, -

(a) any person in occupation of the premises or part thereof paying or liable to pay rent to the owner in respect of such premises or part of the premises;

(b) an owner who is in occupation of the premises;

(c) a tenant of the premises who is exempted from payment of rent;

(d) a licensee who is in occupation of the premises; and

(e) any person who is liable to pay damages to the owner in respect of use and occupation of the premises.

(ix) "owner" in relation to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent if the premises were let or leased and includes –

(a) an agent or trustee who receives such rent on behalf of the owner;

(b) an agent or trustee who receives the rent of, or is entrusted with the management of any premises devoted to religious or charitable purposes;

(c) a receiver or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner in respect of, the said premises; and

(d) a mortgagee in-possession;

(x) "prescribed" means prescribed by the rules made under this Act;

(xi) "connection point" means a point where 'Government main' is joined with the 'consumer's main';

(xii) "water works" means a lake, pump, reservoir, cistern, tank, duct, whether covered or open sluice mains, pipes, culverts, engine, hydrant, machinery, land, building, walls, tanks, chambers, anchor blocks, thrust blocks, anything or incidental appurtenance, used for supplying water and includes such other streams, springs, land and wells for the purpose of providing or maintaining water supply, as the Government may, by notification, specify;

(xiii) "Service pipe" or 'service line' means the portion of consumer main starting from the point where consumer main joins the 'Government main' up to the point in the 'consumer main': -

(a) where water meter is installed, if installed; or

(b) where the pipe terminates and the water supplied is emptied into a sump tank; or

(c) where water is tapped or drawn for use by the consumer.

(xiv) "Department" means the Department of Public Health Engineering;

(xv) "Rules" means the rules made under this Act;

(xvi) "Chief Engineer" means the officer appointed or authorized by the Government to perform the functions of the Chief Engineer under this Act and includes an Officer placed in additional charge of the duties of the Chief Engineer;

(xvii) "Government" means the State Government of Sikkim;

(xviii) "Engineer" means a person holding a valid certificate issued by an institution or college of having passed the course of Diploma or Bachelor's Degrees or Master's Degree in Civil Engineering subject;

(xix) "Plumber" means a person having Industrial Training Institute (ITI) certificate or certificate issued by a recognized Skill Building Institute of having passed the course of plumber or any person authorised by the Public Health Engineering Department to undertake plumbing work;

(xx) "Local Authority" means, -

any Government Department, Union Government, Government Organisations or Municipal Corporation or Municipality or Panchayat or any other authority legally entitled to own, control and manage land within its jurisdiction;

(xxi) "Public Health Engineer" means an Officer appointed by the Government to be the Public Health Engineer to discharge the duties of water supply under the provisions of this Act and includes any officer placed in charge of the duties of the Public Health Engineer;

(xxii) "Employee" means any person who is paid salary or wage directly by the Department;

(xxiii) "State" means the State of Sikkim;

(xxiv) "Trade premises" means any premises used or intended to be used for carrying on any trade or business of any industry or company;

(xxv) "Fittings" shall mean pipes (other than mains), taps, cocks, valves, ferrules, pumps, meters, cisterns, baths, and other similar electric or mechanical apparatus used in connection with the supply and use of water;

(xxvi) "Charges" shall mean, water charges, water fees, fines, recoveries for works or any such levy made under this Act or Rules made hereunder;

(xxvii) "Premises" shall mean any, land, building, superstructure, apartment, residential building or any non-residential building.

(2) Unless the context otherwise requires, the words importing the masculine gender shall include the feminine gender, words importing the singular shall include the plural and the words beginning with capital letters shall have the same meaning as may be written in small letters, and vice versa.

Provision of Water

3. (1) The Government may provide any area with water supply of wholesome water for public, for domestic, commercial or other purposes subject to availability of water and technical feasibility.

(2) For the purpose of such supply the Government shall construct or maintain such water works as may be necessary and may erect stand pipes, wells or pumps for the use by public of the area.

Explanation: - The supply of water for domestic purposes under this Act means supply for any purpose except the following, namely: -

(a) for any trade, manufacture or business;

(b) for gardens or for purposes of irrigation;

(c) for building purposes including construction of streets;

(d) for fountains, swimming pools, public bath or tanks or for any ornamental or mechanical purposes;

(e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;

(f) for the consumption and use at a restaurant or by inmates of a hotel, boarding house or residential club;

(g) for the consumption and use by persons resorting to theatres and cinemas;

(h) for construction or watering of streets; or

(i) for washing of vehicles where they are kept for sale or hire.

(3) The Public Health Engineer in charge of water supply may, on application by the owner or occupier of any building, arrange, in accordance with the rules, to supply water thereto for domestic consumption and use.

Water supply for domestic purposes not to be used for non-domestic purpose

4. No person shall use or allow to be used water supply sanctioned for use for domestic purposes for any other purpose except with the previous approval of the competent authority.

Supply of water for non-domestic purposes

5. (1) An application for supply of water shall be made in such form as may be prescribed. Such form shall specify the quantity and the purpose for which the supply of water is required.

(2) The competent authority may allow applicant to use water for non-domestic purposes on payment of fee and for such purpose and manner as may be prescribed:

Provided that the competent authority may withdraw such supply at any time if it considers necessary so to do in order to maintain sufficient supply of water for domestic purposes.

(3) The supply of water for the purposes of watering lawns and gardens shall be made on meter basis or in such other manner and on payment of such charges as the competent authority may determine.

(4) No person shall, without the previous written permission of the competent authority, use water supply under this Act for any purpose other than that for which its use is sanctioned.

(5) The terms of payment, period, quantity and conditions for supply of water to the Government including the Central Government, the Department or any other local authority or any other public or private undertaking or individual or organization shall be such as may be prescribed.

Temporary Water Connection

6. (1) The competent authority may, subject to feasibility, provide temporary water connection to any house, building, premises, community areas such as halls, grounds etc. for a specified period.

(2) The application for such temporary connection including payment of necessary fees shall be made by the applicant in such form and manner as may be prescribed.

Prohibition of pollution, wastage, misuse or disturbances in equitable distribution of water

7. (1) No owner or occupier of any premises to which water is supplied by the Government shall cause any water to be polluted, wasted, misused or cause disturbance in equitable distribution of water or cause suffer to the service pipe, tap, other fittings or works connected therewith beyond repair so as to cause pollution, wastage, misuse or disturbance in equitable distribution of water.

(2) Where the competent authority has reason to believe that as a result of defect in the service pipe, tap, other fittings or works connected therewith, water is being wasted, it may, by a written notice, require the consumer to repair and make good the defect within such time as may be specified in such notice.

(3) If such repair is not carried out within the time specified in the notice referred to in sub-section (2), the competent authority may, without prejudice to any action which may be taken against the consumer under any other provisions of this Act, cause such repair to be made or removed and recover the cost of repair from the consumer as an arrear of water charges payable under this Act.

Power to cut water supply

8. (1) The competent authority may cut off the water supply from any premise-

(a) if any fee, rental, cost of water or any charge or other sum due under this Act is not paid by the consumer within the period of 15 (fifteen) days after receipt of an Act;

(b) after the receipt of a written notice from the competent authority requiring him to refrain from so doing, the consumer continues to use the water or permits the same to be used in contravention of the provisions of this Act or the rules; or

(c) if the consumer or occupier damages or causes to be damaged the water meter or any connection pipe or ferrules or water works; or

(d) if the consumer refuses to admit any officer or his employee of the Government duly authorised by the competent authority, into the premises which he proposes to enter for the purposes of executing any work or placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents any such officer or his employee, from executing any work or placing or removing any apparatus or making such other examination or inquiry or for the administration of the provisions of this Act or Rules made therein; or

(e) if the service pipe or any tap or other fittings or works connected therewith is found on examination by an officer of the Government duly authorized in this behalf or by his employee to be out of repair to such an extent as to cause wastage or contamination of water and immediate prevention thereof is necessary; or

(f) if the consumer causes or allows to be caused the service pipe or any tap or other fittings or works connected therewith to be placed, removed, repaired or otherwise interfered with, in contravention of the provisions of this Act or the rules; or

(g) if by reason of leakage in the service pipe or any tap or other fittings or works, damage is caused to a public street or any private or public property and immediate prevention thereof is necessary; or

(h) if the owner or the consumer causes or allows to be caused the insertion of any fittings or pumps for extracting water directly from the service pipe of Government's main; or

(i) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Department within the period specified therein; or

(j) if the owner or consumer fails to provide proper disposal or treatment of the used water from his premises in accordance with the provisions of the Sikkim Sewerage and Sewage Disposal Act, 2025 or the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974); or

(k) if the owner or occupier or consumer fails to comply with any provisions of this Act or the Sikkim Sewerage and Sewage Disposal Act, 2025 or the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974).

(2) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable under any other provision of this Act or the rules made hereunder or under any other Law.

(3) The competent authority may order reconnection of supply of water disconnected under sub-section (1) on payment of such charges and on such terms and conditions as may be prescribed in the rules.

(4) The owner and the occupier of the premises shall jointly and severally be liable for penalty and also liable to pay the expenses of cutting off the supply.

Supply of water to consumer

9. (1) The competent authority may, on receipt of an application by the owner of any premises in the prescribed form and manner and on execution of a deed in the prescribed form, arrange for supply of water from the Government main or distribution pipe to him for domestic purposes or for any other purposes in such quantities and pressure as it may deem reasonable, and may at any time limit the amount of water to be so supplied whenever it considers necessary so to do subject to the conditions and requirements as prescribed in the rules made in this behalf.

(2) The Divisional Engineer concerned shall be overall in-charge for ensuring the supply of potable water to the consumers, with due certification that the water quality at the consumer point complies with the parameters prescribed by the Bureau of Indian Standards (BIS) as per IS 10500:2012 – Drinking Water Specification.

Disposal of application

10. (1) The competent authority shall ordinarily dispose of an application for supply of water within 1 (one) month from the date of its receipt and in case of delay, it shall record reasons for not being able to dispose of an application within such specified time and shall communicate the same in writing to the applicant within a month.

(2) The submission of the duly filled up and signed Application Form along with the specified documents under the rules made hereunder, to the office of the Divisional Engineer, Water Supply Division, shall, deem to mean the acceptance of all the conditions and undertaking laid therein.

Expenses of connection

11. (1) When the request of the applicant for grant of water supply is accepted by the competent authority under section 5 or section 6, the person so applying shall, at his own cost, provide all service pipe and fittings and cause to be carried out all work of laying and applying such service pipe and fittings in the premises for which the water supply is sanctioned:

Provided that the competent authority may order to be undertaken the work of laying of service pipe, at the consumer's cost in certain areas where the competent authority for reasons to be recorded in writing, deems it necessary so to do.

(2) The charges for giving initial connection shall be such as may be notified.

Modalities for Connections

12. (1) Water Supply connection by the Department for any purpose including that of domestic use shall ordinarily be given only at the ground level of the premises. It shall not be lawful for any owner or occupier to demand water supply connection from the service pipe at any other elevation or level.

(2) It shall not be lawful for any owner or occupier to use any pumps or devices to extract water directly or indirectly from the government mains or service pipes.

(3) The owner of every premises having more than one storey and connected with water supply from the service pipe at the ground level shall, provide a sump and set up electrical pump or other contrivances of adequate capacity and such other arrangements as prescribed, to pump the water to the required height of such premises with the prior approval of the competent authority.

(4) Every owner or occupier shall fit a stopcock or float valve or fitting on every service pipe laid before or after coming into force of this Act.

(5) Every stopcock and float valve or fitting, fitted on a service pipe after the commencement of this Act shall be placed in such position as the Department deems most convenient:

Provided that a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters that premises:

Provided further, a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

(6) No water pipe shall be laid in a drain or on the surface of an open channel or house gully or a cesspool or in any position where the pipe is likely to be damaged or the water therein polluted and except with the approval of the Department, no latrine pit or soak pit or cesspool shall be constructed or made within six meters of any water pipe or water work or in any manner that may endanger or compromise the integrity of the water pipe or water work.

(7) No person other than an Engineer or a plumber or an Officer or employee authorised by the Competent Authority in this behalf shall execute the work of consumer main, service line or internal water supply connections of premises.

(8) No water supply connection shall be given to the owner or occupier of a premise unless the internal water supply connections of such premises have been duly executed in accordance with the requirements prescribed under this Act or Rule to be made under this Act.

(9) Every owner or occupier shall install a float valve or ball cock or any fitting advised by the Public Health Engineer on the water supply line connected to the water tank installed by them in order to prevent excessive overflow. The fitting shall conform to the quality standards as prescribed.

(10) The State Government may by notification in the Official Gazette, make regulations for compliance by the Users, Engineers or plumbers.

Validity of permission

13. (1) The sanction permitting supply of water under this Act shall be valid for a period of 6 (six) months from the date of its issuance. Failure by the applicant to install requisite piping and obtain physical connection within this period or within such extended time as may be granted by the competent authority, shall render the sanction as inoperative.

(2) If the applicant whose sanction is rendered inoperative needs the water supply connection, he shall apply for fresh connection on payment of prescribed fees again.

Notice of stoppage of water supply

14. If at any time, supply of water is proposed to be stopped for more than twenty-four hours in any local area or to any premises, the competent authority may by giving twenty-four hours' oral or written notice or through digital social media, inform the local authority and the inhabitants of such local area or the owner of such premises, as the case may be.

Power to lay or carry pipes or to construct water works and payment of compensation etc

15. (1) The Government, may lay or carry pipes or construct any water works for the purposes of establishing, arranging or maintaining supply of water, though, across, under or over any land or road or street or a place laid out as or intended to be laid out as, a road or street or any other place under the control of local authority or any person or entity, and may at all times do all acts and things which may be necessary or expedient for establishing or repairing or maintaining such pipes in any effective state:

Provided that such work shall be carried with least annoyance to the public and within a reasonable time:

Provided further, reasonable compensation as may be determined by the Government shall be paid to the owner or the local authority, as the case may be, for any damage sustained by him or it and directly occasioned by the carrying out of any such operations:

Provided also, the competent authority shall cause not less than 3 (three) days' notice in writing to be given to the owner or the local authority, as the case may be, before commencing of any operations under this section except in cases where immediate action is considered necessary, then, the competent authority may, by order and for reasons to be recorded in writing, dispense with such 3 (three) days' notice.

(2) All reservoirs, tanks, cisterns, fountains, wells, and bore wells, pumps, pipes, taps, conduits and other works connected with the supply of water to the notified area, including the headwork's, reservoirs, the Government mains and all bridges, building, machinery, works materials and other things connected therewith and all land (not being private property) adjacent and appertaining to the same, shall vest in the Department and be subject to its control.

(3) The Department may construct, lay, or erect filtration plants, reservoirs, machinery, conduits, pipes, or other works in any place in the state for supplying the notified area with water, and may provide, tanks, reservoirs, machinery, mains, fountains and other conveniences within or outside the notified area for the use of the inhabitants.

(4) The Department may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such work and may cause them to be maintained and supplied with water.

(5) Notwithstanding anything contained in any other law for the time being in force, the Department may establish or maintain the water works within or outside the local limits of the notified area, -

(a) in any street or any land vested in the Government, or any other local authority or any Government Company or other bodies, organisation or public sector units owned or controlled by the Government;

(b) with the consent of every owner or occupier of any land not forming part of a street, in, over or on that land, may, from time to time inspect, repair, alter or renew or may, at any time, remove any main, whether laid under this Act or otherwise:

Provided that where consent required for the purpose of this sub-section is withheld, the Department may, after giving the owner or occupier of the land 3 (three) days of written notice of its intention, may lay the main in, over or on that land even without such consent.

(6) The Department may place and maintain water works, conduits and lines of mains or pipes, over, under, along or across any immovable property whether within or outside the local limits of the notified area without acquiring the same and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of mains or pipes, enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed:

Provided that the Department shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes is placed

(7) If it appears to the Department that the only technically feasible alternative means of water supply to any premises is by placing or carrying any pipe or water works over, under, along or across the immovable property of another person, it may, by order in writing, authorize the owner of the premises to place carry such pipe, over, under, along or across such immovable property:

Provided that before making any such order the Department shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations so as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(8) Upon making of an order under sub-section (7), and after giving reasonable notice of its intention to the owner of the premises, the Department may, enter upon the immovable property with the assistants and the workmen at any time between sunrise and sunset for the purpose of placing the water works or a pipe over, under, along or across such immovable property or for the purpose of repairing the same.

(9) While placing the water works or carrying a pipe under sub-section (8), as little damage as possible shall be done to the immovable property and the department shall, -

(a) cause the water works or pipe to be placed or carried with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying of such pipe; and

(c) pay compensation of any damage to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of water works or such pipe.

(10) If the owner of the immovable property over, under, along or across, which a pipe has been placed or carried under this section while such immovable property was vacant, desires to erect any building on such property, the Department shall by notice in writing, require the owner of the premises as indicated in sub-section (9), to close, remove or divert the pipe in such manner as shall be approved by the Department and to fill in, reinstate and make good the immovable property as if the pipe has not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Department it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

(11) No person shall obstruct or hinder any person authorized or empowered by the Department under this Act in the execution of his duty or of anything which he is authorized or empowered or required to do by virtue of or in consequence of any of the provisions of this Act or any rules made hereunder.

(12) No person shall, except with the permission duly obtained from the Department or the Public Health Engineer in charge of water supply, enter on land or premises or water works of the Department.

(13) Save as provided for in any other section of this Act, a reasonable compensation as may be determined by the competent authority as established by Law shall be paid to the owner or the local authority, as the case may be, for any damage sustained by him or it, directly occasioned by carrying out of any such operations.

Charges for water supply and Liability

16. (1) The Government may, from time to time by notification in the Official Gazette, fix the frequency of payment, conditions and the rate or rates of water charges, on metered basis or on the basis of number of taps installed or on the dimension of the service pipe or any formula approved by the competent authority, payable by the consumer for supply of water under this Act and different rate or rates, frequency or condition may be fixed for different areas and for different consumers and for different quantities.

(2) The competent authority may provide free of charges gratuitous supply of wholesome water to the public within the notified area and may, for that purpose, erect public stand posts or other conveniences.

(3) The Government may, from time-to-time levy water charge on the Act of the consumer.

(4) The Government may, from time to time by notification, levy and include the service charge for sewerage services in a single water supply cum sewerage Act where such service is provided by the Department.

(5) Joint and several liability of owners and occupiers shall exist for sub-section (3).

(6) Water being a national resource, the Government may, from time to time by notification in the Official Gazette, fix the frequency of payment, conditions and the rate or rates of water use charges, on metered basis or on the basis of number of taps installed or on the dimension of the service pipe or on assessment by the Department or any formula approved by the competent authority, payable by the user for drawal and use of water by the user under this Act and different rate or rates, frequency or condition may be fixed for different users and for different quantities.

Power to order for fixing of meters or disconnection of supply of water

17. (1) The competent authority may, from time to time, order the fixing, within such time as may be specified in the said order by the consumer at their own cost, of meters on all pipe connections (whether new or existing unmetered, connections), within the whole of the area or a part thereof.

(2) Where any person fails to comply with the order issued under sub-section (1), the competent authority may order installation of meters for the purpose of measuring and recording the quantity of water consumed in any premises or by any person at the cost of the consumer who will deposit such amount as the cost as may be fixed by the Department or may pay such fee for installation of a meter as may be prescribed.

(3) The competent authority may order fixing of a meter at a convenient point between the premises of the consumer and the consumer's main.

(4) The installation, use, maintenance, testing of meters, fees and disconnection of water supply shall be regulated by rules made in this behalf.

Repair etc.,

18. (1) All meters, connections pipes and other works incidental to the supply of water to any building or land shall be supplied, repaired, extended and altered and kept in proper order as may be necessary at the expenses of the person requiring such supply but shall remain under the control of the Government.

(2) when under the provisions of this Act, any person may be required or is liable to execute any work including repairs, the Department may in accordance with the provisions of this Act and any rules made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(3) The expenses incurred or likely to be incurred by the Department in the execution of any such work shall be payable by the said person and the expenses incurred by the Department in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(4) The expenses under sub-section (3) shall be as determined by the competent authority, whose written certificate shall be final and binding and recoverable from the person or persons liable thereof as an arrear of water charge payable under this Act.

Separation of premises for water supply

19. In any case in which a service pipe from the Government main supplies, water to two or more premises, the competent authority may, by written notice, require the owner of such premises to lay down separate service pipes for their premises and the expenses of so doing shall be borne by all such owners in such proportion as may be determined by the competent authority.

Connection with Government main or water works not to be made without permission

20. No person shall, without the prior written permission of the competent authority make or cause to be made any connection with the Government main or any water works.

Indemnity

21. Notwithstanding anything contained in any other law for the time being in force, the Government or its officers and employees shall not be liable for any damage to, or penalty for discontinuing the supply of water or reducing the supply of water or failure to supply water to any person or to any area if the cause of such failure to supply water to any person or to any area, is due to source depletion, drought, damage, accident, re-laying or repairing pipes or any other circumstance that is beyond the control of the Government, its officers and employees.

Maintenance of supply of water

22. The competent authority may, from time to time, regulate the supply of water under this Act.

Building not to be constructed over water works

23. (1) No building, wall, fence or structure of any kind shall be erected on any water works without the written permission of the competent authority.

(2) If any building, wall or any other structure be so erected or any street be so laid, the Public Health Engineer in charge of water

supply or any other officer authorized by the Department in this behalf may cause the same to be removed or otherwise dealt with as he deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

(3) The expenses under sub-section (2) shall be as determined by the Public Health Engineer authorised by the competent authority, whose written certificate shall be final and binding.

Notified watersheds, water source and water main routes

24. (1) All water bodies shall be identified and notified as watersheds or water sources or both or water main routes.

(2) Such 'watersheds or water sources' or 'water main routes' shall be under the administrative control of the Department.

(3) Any use of water from such 'watersheds or water sources' or 'water main routes' by the public, local authority or any other agency shall require prior approval of the Competent Authority.

(4) The Government may impose fee for use of water from, the 'watersheds or water sources' or water main routes by the public, local authority or any other agency and the charges shall, as may be prescribed by the rules.

Explanation

(a) "watershed" means an area surrounding any spring, steam or pond (whether formed naturally or otherwise) which conserved and sustained a source of water the quantity where of is likely to be varied by erosion of soil, felling of trees or disturbances by cattle grazing or human settlement and includes the gathering ground of a river system;

(b) "water-route" means the strip of land along with the pipe line for supply of water if laid and includes the land adjoining such pipe line which, is disturbed by quiring, digging, felling of trees, cattle grazing or human settlement, is likely to disturb the stability of the pipeline;

(c) "water source" means 'water bodies' and includes any lakes, rivers, aquifers, ground water, spring or ponds (whether formed naturally or otherwise) from where water is tapped for domestic or any other purposes.

Prohibition of certain acts affecting the water works

25. (1) No person shall, -

(a) remove, alter, injure, damage or in any way interfere with any water works;

(b) carry on within the area aforesaid any operation of manufacture, trade or agriculture or do any acts whereby injury may be caused or is likely to be caused to any such water works or whereby the water of any such water works may be fouled, polluted or tender such water to be less wholesome;

(c) cause or suffer to percolate or drain into or upon any water works, anything, whereby the water therein may in any way be fouled, polluted or its quality altered;

(d) cause or allow to enter any animal into such water works;

(e) bathe or wash clothes in such water works;

(f) throw or put anything into or upon such the water in such water works;

(g) wilfully or negligently obstruct any person in the discharge of his duties under this Act or rules in setting out the lines of any works or pull or remove any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such work or deface or destroy any works made for the same purpose;

(h) obstruct any officer or employee of the Department in the discharge of his duties under this Act or rules, or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry hereunder in relation to any water works; or

(i) obstruct the flow off, flush, draw off or divert, or take, water from any water works belonging to the Department or any water course by which any such water is supplied; or

(j) do any other acts which the Government may, by notification, prohibit.

(2) nothing in clause (a) of sub-section (1) shall apply to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer or occupier whose supply will be affected thereby.

Meter reading

26. (1) The competent authority may authorize any person to take reading of meters installed in any premises to which water is supplied under this Act and make an entry thereof in a register as may be prescribed.

(2) Every entry in the register maintained under sub-section (1) shall be prima facie evidence of the quantity of water consumed.

(3) When water is supplied in accordance with the provisions of this Act through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

(4) The competent authority may authorise any person to test any water fitting used in connection with water supplied by him.

Obligation of owners, citizens and employees

27. (1) The owner or occupier of any premises to which water is supplied under the provision of this Act and is within his knowledge that such water is being misused or wasted whether within or outside his own land or premise, shall forthwith give notice in writing to competent authority of such misuse or wastage.

(2) The owner or occupier of any premises to which water is supplied under the provision of this Act shall have primary obligation to see

that, the water meter shall not be tampered with, and prevent any person from tampering and shall forthwith give notice in writing to competent authority of such tampering by another person.

(3) It shall be the duty of all citizens and employees of the Department or any Local Authority to give immediate information to the Department or officers of the Department authorized in this behalf, of the commission of, or the attempt to commit, any offence against this Act or any rules or regulation made hereunder and to assist all such officers in the exercise of their lawful authority.

Power to enter premises

28. (1) The Public Health Engineer or any employee authorized or empowered by the competent authority in this behalf under the provisions of this Act or the rules, may, enter into or upon any land or premises with or without assistants and workmen for the purpose of: -

(a) ascertaining whether, within or outside the land or premises, there is or has been any contravention of the provisions of this Act or the rules;

(b) taking any action or executing any work authorised or required by this Act or any rules or regulation made hereunder;

(c) making any inquiry, inspection, examination, measurement, valuation or survey authorised under this Act or rules;

(d) depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes for administration of any provision of this Act or rules made hereunder:

Provided that if any such premises is an apartment in the actual occupancy of a woman who, according to the custom does not appear in public, such officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then enter the apartment.

(2) The person so authorised shall, before entering on any such land or premises state the purpose thereof.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be and suitable compensation shall be payable by the Department to the owner or occupier for any such damage, whether permanent or temporary. Suitable compensation shall be such as may be determined by the competent Authority as admissible by Law.

(4) If the nature of work requiring entry is of such urgency that it cannot be delayed, it shall be lawful for the Chief Engineer, the Public Health Engineer, or any employee authorised in this behalf by the competent authority, for purpose of administration of any

provision of this Act or the rules made, to make any entry into any place and to open or cause to be opened any door, gate or other barrier including breaking in-

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate, or barrier.

(5) Before making any entry or break in into any such place or opening or causing to be opened any such door, gate or other barrier, the Chief Engineer, the Public Health Engineer or the employee authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(6) A report shall be made to the Department as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

(7) Save as otherwise provided in this Act or any rules made in this behalf, no entry authorised by or under this Act, shall be made except between the hours of sunrise and sunset.

(8) Save as otherwise provided for in sub-section (4) and any other provision of this Act or the rules, no entry upon or into any land or premise shall be made without the consent of the occupier, or if there is no occupier, or the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty hours written notice of the intention to make such entry.

(9) When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, no apartment in the actual occupancy of a female shall be entered or break open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Fraud in respect of meters

29. (1) No person shall fraudulently, -

(a) alter the index of any meter, or prevent any meter from recording the actual quantity of water supplied; or

(b) abstract or use water before it has been recorded by a meter set up for the purpose of recording the same.

(2) Where there has been any such alteration, prevention abstraction or use, the existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use, shall be the evidence of the consumer having fraudulently affected the same.

Water for extinguishing fire

30. (1) Use of water shall be free of charge for extinguishing fire.

(2) Subject to techno-economic feasibility, the Public Health Engineer in charge of water supply may fix hydrants or static tanks, at such places as may be most convenient for affording a supply of water for extinguishing any fire.

(3) The competent authority may require the owner or occupier of any factory, workshop, trade premises or place of business or residential house or non-residential house, to provide for and maintain in working condition and in a suitable location and of prescribed dimensions, static tanks and one or more fire hydrants, to be used only for extinguishing fires.

Appeal

31. (1) Any person aggrieved by an order issued by the officer authorized by the Principal Chief Engineer-Cum-Secretary, Public Health Engineering Department, Government of Sikkim, may file an appeal with the Principal Chief Engineer-Cum-Secretary. If the order is issued by the Principal Chief Engineer-Cum-Secretary, the appeal may be made to the Government.

(2) Any such appeal referred to in sub-section (1) must be filed within a period of 30 (thirty) days from the date of communication of the order:

Provided that the authority hearing the appeal may accept it even after the expiration of 30 (thirty) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the prescribed timeframe.

(3) The appellate authority may, after giving the parties an opportunity of being heard, confirm, set aside or modify the order under appeal and the orders of the appellate authority on such appeal shall be final.

Revision

32. The Minister-in-Charge of Public Health Engineering Department, Government of Sikkim may, either on his own motion or upon an application made to him, at any time, for reasons to be recorded in writing, call for the record of any case disposed of by any authority under this Act and if in such case it appears to the Minister that any order passed should be modified, annulled or reversed, he may pass such order as he may deem fit not inconsistent with the provisions of this Act or the rules and such order shall be final and shall not be called in question in any Court.

Fees for issue of water quality certificate, no objection certificate etc.

33. (1) The competent authority may levy such fees or charges for issue of no objection certificate, water quality certificate, water availability certificate or any other certificate regarding water supply and for connection, dis-connection, re-connection of water supply or testing or supervision or for any other service rendered or work executed, repaired, maintained or supervised as may be prescribed.

(2) The fees or charges referred to in sub-section (1) shall be such as may be prescribed in the Rules.

Exemption

34. (1) The Government may, by notification and for reasons to be recorded in writing, exempt any premises or land situated in any area from payment of charge or fee or remit any portion thereof for such period as may be recorded in the said order.

(2) The competent authority may provide free of charges gratuitous supply of wholesome water to the public within the notified area and may, for that purpose, erect public stand posts or other conveniences.

Manner of realization of water charges, fees or fines

35. (1) The competent authority may by notice require the owner or occupier of the premises to pay within such period the charges, fees or fines on account due and recoverable from such owner or occupier from the date of receipt of the notice.

(2) Any person who has been convicted of an offence against this Act or any rule made hereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Department resulting from the said offence as the Court may consider reasonable.

(3) Save as the certificate issued under section 18, and section 23, in the event of a dispute regarding the amount of reasonable compensation, payable under sub-section (8) such amount shall, on application made to him be determined by the competent Court before whom the said person was convicted of the offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said Court as if it were a fine imposed by the Court on the person liable thereof and remit it to the competent authority.

(4) Where the owner or occupier of the premises fails to pay the amount due from him within the period specified in the notice issued under sub-sections (1) the competent authority may, without prejudice to any other mode of recovery, prepare a certificate indicating the amount due from such owner or occupier and send the same to the Court having competent jurisdiction of the area in which the premises or land is situated.

(5) The Court to whom the certificate is sent shall realize the amount specified in such certificate as if it were a fine imposed by such Magistrate and remit the same to the competent authority.

Notices

36. (1) Where any notice, issued under this Act or the rules, requires anything to be done, for the doing of which no time is fixed in this Act or the rules, the notice, Act, order or requisition shall specify a reasonable time for doing the same.

(2) All notices, required by this Act or the rules to be served upon, or issued to, any person, shall be served or issued by such persons as may be authorized by the Department.

(3) Every notice, document required or authorised by this Act or the rules, to be served or issued on any person shall, save as otherwise provided in this Act or such rule, be deemed to be duly served.

(4) Any notice which is required or authorized to be served on the owner or occupier of any premises, may be addressed as, 'the owner' or 'the occupier' as the case may be, of that land or building (identifying that land or building) without further name of description, and shall be deemed to be duly served.

(5) For the purpose of enabling any notice to be served on the owner of any premises, the Public Health Engineer or any other officer authorized or empowered to do so may, by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(6) Where the person on whom a notice upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

(7) Nothing in the sub-sections (1) to (5) shall apply to any summons issued under this Act by a Court.

(8) In the event of non-compliance with the terms and conditions of any notice, Act issued to any person or occupier or consumer under this Act or any Rule made hereunder, within the period stipulated in such notice or Act, the competent authority shall be entitled to initiate appropriate legal proceedings or take such action as provided under this Act and rules framed there under.

(9) No notice, order, requisitions, permission in writing or any other document issued under this Act or the rules shall be invalid merely by reason of any defect in form or detail.

Offences by Companies

37. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was responsible to the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of

any director, manager, secretary and other officer such director, manager, secretary or the officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: - For the purpose of this section, -

(a) "company" means anybody corporate and includes a firm, organisation or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Sanction for prosecution, arrest

38. (1) No Court shall proceed with the trial of any offence made punishable by or under this Act or any rule, except on the complaint of or upon written information received from the Public Health Engineer or any officer authorized by the competent authority.

(2) The Public Health Engineer or any officer authorised in this behalf by the competent authority may inform the nearest police station to depute any police officer who shall be, of, or equal to or higher than the status of a sub-inspector of police who may arrest any person who commits in his view any offence against this Act or the rules made hereunder, if, -

(a) the name and address of such person be known to him; and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(3) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the Court of competent jurisdiction for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the Court of such Magistrate.

(4) If the competent authority has reason to believe that an offence has been committed in violation of any provisions of this Act or the rules, the owner, the person primarily liable for the payment of the charges for water or penalty or fine for damages, and the owner or occupiers of the said premises shall be jointly and severally liable for such offence.

Delegation

39. (1) The Government may, by notification, direct that any power exercisable by it under this Act or rules made hereunder shall in relation to such matters and subject to such conditions as may be specified in the notification, be exercisable by a competent authority or any other officer of the department subordinate to him as may be specified in the said notification.

Penalties

40. (1) Whoever contravenes the provisions of this Act or rules made hereunder or fails to comply with any other requisition lawfully made upon him under any of the said provision shall, on

conviction, be punishable with imprisonment for a term which may extend to 3 (three) months or with fine which may extend to Ten thousand rupees or with both for first contravention.

(2) In the case of a repeat or continuing contravention or after first conviction, such repeat or continuing of contravention or failure shall be punishable with daily fine which may extend to one thousand rupees for every day during which such contravention or failure continues or with imprisonment for a term which may extend to 12 (twelve) months or both.

(3) Action taken under the Act or the rules made hereunder, against any person shall be without prejudice to any penalties to which he may otherwise be liable under any other Law.

(4) The payment of fine under this section shall not absolve the offender from paying the water charges and the expenses of repair under sections 16 and 18.

Protection of action taken in good faith and officers and employee of the department deemed to be public servant

41. (1) No suit or prosecution shall be entertained in any Court against the Department or against any officer or employee of the Department or against any person for any act done or purporting to be done or for acting under the order or direction of the competent authority or of any officer or of any employee of the Department for anything which is in good faith done or intended to be done under this Act or any rule or regulation, made hereunder.

(2) All officers and employees of the Department shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any rules or regulations made hereunder, to be public servants within the meaning of Law for the time being in force.

Power to make rules

42. (1) The State Government may, by notification, make rules for giving effect to any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for: -

(a) regulating the size and nature of mains, pipes, taps and other fittings whether within or outside any premises;

(b) the prevention of injury or contamination to sources and mains of water supply and appliances for the distribution of water;

(c) the manner in which connections with water works, mains, etc., may be constructed, altered or maintained;

(d) the use, maintenance and inspection of meters;

(e) the area of a lawn or garden other than the area under clause (d) of Explanation to section 3;

(f) form and manner of filing an appeal;

(g) charges or fees for connection, dis-connection, re-connection and other services rendered to the consumer;

(h) the equitable distribution of water supplied to the owners, occupiers or users within the notified area;

(i) altering the position of connections;

(j) the prohibition of fraudulent and unauthorized use of water and the prohibition of tampering with meters;

(k) the compulsory employment of engineers or plumbers for the work of consumer line or service line or internal and external plumbing of the consumer's premises;

(l) the delegation and re-delegation of duties and responsibilities of officers and employees of the Department;

(m) the power of the competent authority to take charge of private connections;

(n) any other matter arising out of the Department's function under this Act, in which it is necessary or expedient to make such Rules;

(o) the use of water and preventing misuse, wastage or disturbance in the equitable distribution of water.

Repeal and savings

43. On and from the commencement of this Act, the Sikkim Water Supply and Water Charges Ordinance, 2025 is hereby repealed;

Notwithstanding such repeal, any order issued or action taken under the said ordinance shall be deemed to have been validly taken under the corresponding sections of this Act.

SURAJ CHETTRI (SSJS)
L.R.-cum- SECRETARY
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT